

defendant an unlimited right to cross-examine on any subject.”¹¹ The Confrontation Clause only guarantees “an opportunity for effective cross-examination, not cross-examination that is effective in whatever way, and to whatever extent, the defense may wish.”¹² The Sixth Amendment “does not include a right to cross-examine on irrelevant issues and may bow to accommodate other legitimate interests of the trial process or of society.”¹³ MRE 402 provides that evidence that is not relevant is inadmissible.¹⁴ MRE 401 defines relevant evidence as “evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.”

The following occurred during Defendant’s cross-examination of the prosecution’s expert witness.

[DEFENSE COUNSEL]: All right. Can you actually sell the merchandise after the sell-by date—as you’re coming up close on the sell-by date?

[ASSISTANT PROSECUTOR]: Your Honor, I—I guess I would object to this line of questioning as to the relevance.

[DEFENSE COUNSEL]: It’s very relevant, because the sell-by date was determined by prior testimony that that is the —

¹¹ *Canter, supra*.

¹² *People v Bushard*, 444 Mich 384, 391; 508 NW2d 745 (1993), quoting *Fensterer, supra* at 20; *Delaware v Van Arsdall*, 475 US 673, 679; 106 S Ct 1431; 89 L Ed 2d 674 (1986) (emphasis deleted).

¹³ *People v Adamski*, 198 Mich App 133, 138; 497 NW2d 546 (1993).

¹⁴ *People v Starr*, 457 Mich 490, 497; 577 NW2d 673 (1998).